

FILED
ELECTRONICALLY

10/16/06

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USA Capital First Trust Deed Fund, LLC***UNITED STATES BANKRUPTCY COURT****DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY

Debtor

) BK-S-06-10725-LBR

) Chapter 11

In re:

USA CAPITAL REALTY ADVISORS, LLC,

Debtor

) BK-S-06-10726-LBR

) Chapter 11

In re:

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

Debtor

) BK-S-06-10727-LBR

) Chapter 11

In re:

USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

) BK-S-06-10728-LBR

) Chapter 11

In re:

USA SECURITIES, LLC,

Debtor.

) BK-S-06-10729-LBR

) Chapter 11

Affects

☐ All Debtors☐ USA Commercial Mortgage Co.☐ USA Securities, LLC☐ USA Capital Realty Advisors, LLC☐ USA Capital Diversified Trust Deed☒ USA First Trust Deed Fund, LLC

) Date: September 28, 2006


) Time: 9:30 a.m.

**NOTICE OF ENTRY OF ORDER GRANTING MOTION BY THE OFFICIAL
COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST
TRUST DEED FUND LLC TO COMPEL THE CONFIDENTIAL DISCLOSURE OF
USA CAPITAL FIRST TRUST DEED FUND LLC'S MEMBER LIST**

1 PLEASE TAKE NOTICE that an Order Granting Motion by the Official Committee of
2 Equity Security Holders of USA Capital First Trust Deed Fund, LLC to Compel the
3 Confidential Disclosure of USA Capital First Trust Deed Fund LLC's Member List was
4 entered on October 16, 2006, a true and correct copy of which is attached hereto.
5

6 DATED this 16th day of October, 2006.

7 SHEA & CARLYON, LTD.
8

9 
10 CANDACE C. CARLYON
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12 SHLOMO S. SHERMAN
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Los Angeles, CA 90067

21 Counsel for the Official Committee of Equity
22 Security Holders of USA Capital First Trust
23 Deed Fund, LLC
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25
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27
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Entered on Docket
October 16, 2006

Hon. Linda B. Riegler
United States Bankruptcy Judge

STUTMAN, TREISTER & GLATT, P.C.
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*Counsel for the Official Committee of Equity Security Holders of
USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:		
USA COMMERCIAL MORTGAGE COMPANY) BK-S-06-10725-LBR	
Debtor) Chapter 11	
In re:)	
USA CAPITAL REALTY ADVISORS, LLC,) BK-S-06-10726-LBR	
Debtor) Chapter 11	
In re:)	
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,) BK-S-06-10727-LBR	
Debtor) Chapter 11	
In re:)	
USA CAPITAL FIRST TRUST DEED FUND, LLC,) BK-S-06-10728-LBR	
Debtor.) Chapter 11	
In re:)	
USA SECURITIES, LLC,) BK-S-06-10729-LBR	
Debtor.) Chapter 11	

1 Affects

- 2 ☐ All Debtors
 3 ☐ USA Commercial Mortgage Co.
 4 ☐ USA Securities, LLC
 5 ☐ USA Capital Realty Advisors, LLC
 6 ☐ USA Capital Diversified Trust Deed
 7 ☒ USA First Trust Deed Fund, LLC

) Date: September 28, 2006
) Time: 9:30 a.m.
)
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)

8 **ORDER GRANTING MOTION BY THE OFFICIAL COMMITTEE OF EQUITY**
 9 **SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND LLC TO**
 10 **COMPEL THE CONFIDENTIAL DISCLOSURE OF USA CAPITAL FIRST TRUST**
 11 **DEED FUND LLC'S MEMBER LIST**

12 This matter having come on for hearing on Motion by the Official Committee of
 13 Equity Security Holders of USA Capital First Trust Deed Fund LLC (the "FTDF Committee")
 14 to Compel the Confidential Disclosure Of USA Capital First Trust Deed Fund LLC's Member
 15 List (the "Motion"); Candace C. Carlyon, Esq. appearing on behalf of the Movant and all
 16 other appearances having been noted on the record; and the Court having considered the
 17 Motion and Response and good cause appearing therefore:

18 IT IS HEREBY ORDERED that the Motion is granted, as provided herein.

19 IT IS FURTHER ORDERED that USA First Trust Deed Fund, LLC ("FTDF") shall,
 20 within 5 business days of the date of this Order, forward to the FTDF Committee counsel the
 21 information described in § 5.9 of the FTDF Operating Agreement (as defined in the Motion).

22 IT IS FURTHER ORDERED that such information shall be treated as Confidential
 23 Information as that term is defined in the Confidentiality Agreement entered into in June of
 24 2006 between the Debtors, the FTDF Committee, the FTDF Committee members, and the
 25 FTDF Committee professionals.

26 IT IS FURTHER ORDERED THAT the information to be disclosed pursuant to this
 27 Order shall not be shared with anyone other than the FTDF Committee professionals, except
 28

1 with the written consent of Debtor's counsel or upon further order of this Court.

2
3 SUBMITTED BY:

APPROVED DISAPPROVED

4 SHEA & CARLYON, LTD.

SCHWARTZER & MCPHERSON LAW FIRM

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6
7 JAMES PATRICK SHEA
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LEONARD SCHWARTZER, ESQ.
JEANETTE E. MCPHERSON, ESQ.
2850 South Jones Boulevard, Suite 1,
Las Vegas, NV 89146
Counsel for the Debtors

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11 and

REVIEWED:

12
13 STUTMAN, TREISTER & GLATT, P.C.
14 FRANK A. MEROLA
15 EVE H. KARASIK
16 CHRISTINE M. PAJAK
1901 Avenue of the Stars, 12th Floor
Los Angeles, CA 90067
Counsel for the FIDF Committee

OFFICE OF THE U.S. TRUSTEE

AUGUST B. LANDES, ESQ.
Office of the United States Trustee
300 Las Vegas Boulevard, Suite 4300
Las Vegas, NV 89101
Assistant United States Trustee

RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

☐ The Court waived the requirements of LR 9021.

☒ I have delivered a copy of proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and each has:

☒ approved the form of this order;

☐ waived signature in open court; and/or

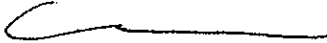
☐ failed to file and serve papers in accordance with LR 9021(c).

☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the order:

☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

DATED this 13 day of October, 2006.

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